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TO LARRY EAGLEBURGER FOR SEC. KISSINGER

TO: SECRETARY KISSINGER

FROM: HELMUT SONNENFELDT

SUBJECT: THE BERLIN ISSUE

1. THE IMMEDIATE PROBLEM IN YOUR DISCUSSION IN BONN ABOUT BERLIN AND THE FEDERAL ENVIRONMENTAL AGENCY IS THAT WE DO NOT REPEAT NOT KNOW AT THIS TIME HOW FAR BAHR AND BREZHNEV HAVE GONE IN ARRANGING A BARGAIN. (HIS LAST MESSAGE TO YOU INDICATED THAT WE AND THE GERMANS SHOULD FIRST AGREE TO CONFORM OUR POSITIONS. YOUR REPLY AGREED.) WE DO KNOW THAT GERMAN EMBASSY IN MOSCOW CONCEDED THAT BERLIN WAS IN FACT A MAJOR ISSUE IN BAHR PRESENTATIONS. (BAHR APPARENTLY STAYING TILL GROMYKO RETURNS NEXT WEEK AND HE MAY NOT BE ABLE TO CONTACT YOU BEFORE YOUR BONN VISIT ON WHAT TRANSPIRED.) OBVIOUSLY, SOVIETS ARE PLAYING BOTH ENDS, TALKING PRIVATELY WITH BAHR AND BRANDT, AND MAKING PRIVATE OVERTURES TO US IN VORONTSOV-RUSH CONVERSATIONS.

2. THE SOVIETS WANT TO CONSULT WITH US PRIVATELY IN ORDER THAT ANY MORE FORMAL FOUR POWER TALKS WILL "SUCCEED." OUR READING OF VORONTSOV'S PITCH IS THAT MOSCOW IN FACT WANTS A "PACKAGE DEAL," THOUGH IT WAS UNUSUAL FOR THE PITCH TO BE MADE TO RUSH RATHER THAN TO YOU OR SCOWCROFT.

3. YOUR AIM, IF YOU WANT TO PURSUE THIS SOVIET OPENING, IS TO REACH A CONSENSUS WITH BRANDT ON THE SUBSTANCE OF A PACKAGE DEAL. HOWEVER, YOU SHOULD AVOID BEING MANEUVERED INTO ACCEPTING THE ONUS FOR ANY RESTRICTIONS ON GERMAN PRESENCE IN BERLIN, WHICH SDP LEADERSHIP WOULD CLEARLY LIKE TO PLACE ON THREE POWERS FOR THEIR OWN POLI

ON-FILE NSC RELEASE
INSTRUCTIONS APPLY

4. A POSSIBLE FRAMEWORK FOR DISCUSSION WITH BRANDT. AND FOR YOUR
SUBSEQUENT PRESENTATION TO SOVIETS. NO OBJECTION TO DECLASSIFICATION IN PART 2010/06/21 : LOC-HAK-259-3-42-5 16:

A. THE SOVIETS WOULD AGREE NOT TO CONTEST THE ESTABLISHMENT OF THE FEA IN BERLIN; IN RETURN THE THREE WESTERN POWERS WOULD ISSUE AT THE APPROPRIATE TIME A STATEMENT APPROVING THE FEA AND THAT QA REMAINS IN FORCE, INCLUDING PROVISION THAT WESTERN SECTORS ARE NOT PART OF FRG (THE LATTER TO PLACATE SOVIETS).

B. ON THIS BASIS, I.E., IN RETURN FOR OUR SUPPORT ON FEA, BRANDT WOULD HAVE TO SUSPEND FOR REMAINDER OF 1974 ESTABLISHMENT OF ANY NEW OFFICE FOR WEST BERLIN, BUT WITHOUT PUBLICLY STATING THIS OR BLAMING ALLIES; YOU WOULD GIVE THIS ASSURANCE TO SOVIETS.

C. WESTERN ALLIES WOULD ALSO ISSUE A BERLIN KOMMANDATURA LETTER APPROVING FEA ALONG LINES OF DECEMBER 19 KOMMANDATURA LETTER WHICH STATES THAT AGENCY WILL OPERATE SUBJECT TO THE RESERVED RIGHTS AND RESPONSIBILITY OF THE THREE POWERS; THUS, ANY STUDIES OR RECOMMENDATIONS OF FEA WOULD BE SUBJECT TO ALLIED VETO. SOVIETS WOULD THEN USE THIS ALLIED STATEMENT TO MAKE THEIR OWN STATEMENT ON FEA ESTABLISHMENT, SAYING THAT IT WAS CONSISTENT WITH QA, IN THAT IT HAD NO STATE FUNCTION AND WAS A HUMANITARIAN INSTITUTION, E.G., ENVIRONMENTAL PROTECTION.

D. ALL OF THE FOREGOING WOULD HAVE TO BE CONDITIONED ON SOVIET ASSURANCE THAT THREATS, IMPLIED OR OTHERWISE, TO ACCESS WOULD BE WITHDRAWN, AND STATEMENT BY SOVIETS REAFFIRMING UNHINDERED ACCESS WOULD HAVE TO BE ISSUED IN SOME MANNER.

5. WHOLE PACKAGE WOULD HAVE TO BE WORKED OUT WITHOUT GOING INTO FORMAL CONSULTATIVE MECHANISM, BUT MIGHT BE SURFACED IN FOUR POWER CONSULTATIONS WITH SOVIETS.

6. YOU MIGHT TRY SOMETHING ALONG THIS LINE ON BRANDT, BUT FIRST YOU MAY WANT TO FIND OUT FROM HIM IF BREZHNEV HAD MADE ANY PROPOSALS.

7. EVEN IF YOU CAN WORK OUT SCENARIO WITH BRANDT, THE PROBLEM WILL REMAIN OF BRINGING IN BRITISH AND FRENCH AT PROPER TIME. FRENCH IN PARTICULAR MAY BE DIFFICULT TO HANDLE, SINCE I BELIEVE THEY ARE PERFECTLY PREPARED TO TAKE A TOUGHER LINE WITH BONN AND WOULD OF COURSE RESENT ANY EVIDENCE OF US-GERMAN-SOVIET DEALINGS. BRITISH DESIRE FOR PERIOD OF QUIET, MENTIONED IN YOUR LONDON TALKS WITH HOME, WOULD PRESUMABLY HOLD FOR ANY GOVERNMENT THAT COMES INTO BEING. IN ANY EVENT, BRITISH WEAKNESS IS ADDITIONAL REASON FOR TRYING FOR MODUS VIVENDI.

8. APPROACH IN THIS MESSAGE GENERALLY CONSISTENT WITH JUDGMENTS ON SOVIET PURPOSES IN TOSEC 309 AND ON GERMAN ATTITUDES IN BONN'S 3375, WHICH YOU HAVE.

9. BILL HYLAND CONCURS.

10. WARM REGARDS.

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